

AN ORDINANCE BY COUNCILMEMBER CLAIR MULLER  
AS SUBSTITUTED BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO TRANSFER THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CODE OF ORDINANCES FOR THE RESIDENTIAL SUBDIVISION 'IRMA COURT' (SD-98-28) LOCATED OFF MT. PARAN RD., NW, TO THEN CONSTRUCT 3,658 SQUARE FEET OF SIDEWALK ALONG THE SOUTH SIDE OF PEACHTREE BATTLE AVE., THE SECTION BETWEEN HOWELL MILL ROAD AND WOODWARD WAY; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the application of John Wesley of Paramount Property Development, Inc. for the subdivision "Irma Court" (SD-98-28) located off Mt. Paran Road, the developer is required to comply with the provisions of Section 15-09.003 of the Code of Ordinances to provide sidewalks; and

WHEREAS, the construction of sidewalks along the frontage of Mt. Paran Road would adversely affect the appearance and character of the neighborhood due to the lack of existing sidewalks along Mt. Paran Rd; and

WHEREAS, the intersection of Peachtree Battle and Howell Mill Road is not only heavily trafficked with vehicles but also by joggers, walkers, and mothers with baby strollers; and

WHEREAS, residents living along Peachtree Battle and other streets near Atlanta Memorial Park utilize the portion of Peachtree Battle between Howell Mill Road and Woodward Way as part of their walking or running course around and near the park; and

WHEREAS, this segment of Peachtree Battle is also without curbing, so the earth is very unstable at this location, which causes soil to erode and mud to run into the street during rainstorms; and

WHEREAS, because of eminent safety concerns on Peachtree Battle Ave., sidewalks particularly along the south side between Howell Mill and Woodward Way, are an immediate priority; therefore, in lieu of sidewalks for Irma Court off Mt. Paran, sidewalks should be constructed along that segment of Peachtree Battle Ave.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the requirements of Section 15-09.003 of the Code of Ordinances are hereby transferred for the construction of 3,658 square feet of sidewalk that would have been constructed for the Irma Court Subdivision (SD-98-28) off of Mt. Paran Rd., NW.

SECTION 2: That all other requirements of the Code of Ordinances for the Irma Court Subdivision (SD-98-28) shall remain in full force and effect.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith be and the are hereby repealed.

05-O-0762

**AN ORDINANCE**

**BY COUNCIL MEMBER CLAIR MULLER**

**AUTHORIZING THE MAYOR OR HER DESIGNEE TO WAIVE THE SIDEWALK REQUIREMENTS OF SECTION 15-09.003 OF THE CITY OF ATLANTA CODE OF ORDINANCES, TO PROVIDE THAT A CERTAIN SUBDIVISION SD-98-28 (IRMA COURT) APPLICANT DEPOSIT A DOLLAR AMOUNT OF \$10,500 EQUAL TO THE VALUE OF THE REQUIRED SIDEWALK CONSTRUCTION INTO THE DESIGNATED TRUST FUND ACCOUNT FOR DISTRICT 8; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to the application for the subdivision of land submitted by the developer, in compliance with the provisions of Section 15-09.003 to provide sidewalks on both sides of existing as well as proposed streets; and

**WHEREAS**, the construction of sidewalks along the frontage of this subdivision would adversely affect the appearance and character of the neighborhood due to the lack of any existing sidewalks on the streets that contain the subdivided lots to which the sidewalks could connect; and

**WHEREAS**, Neighborhood Planning Unit A, which includes Irma Court, has requested that the sidewalk waiver be granted; and

**WHEREAS**, the City and area residents would be better served by the construction of sidewalks and pedestrian improvements in other areas within District 8.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** The requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances which requires that application for subdivision of land to provide sidewalks is hereby waived for Subdivision SD-98-28.

**SECTION 2:** That the waiver of said requirements for the aforementioned application is conditioned upon the agreement of the applicant to pay the City of Atlanta a dollar amount of \$10,500 equal to the value of construction of said sidewalks as required by Section 15-09.003 and as determined by the Commissioner of the Department of Public Works.

**SECTION 3:** That said funds shall be deposited into Trust Fund Account 3P02 424101 Y63T19089999 to be used for pedestrian improvements, traffic calming and/or sidewalk construction only in District 8.

**SECTION 4:** That all other requirements of the Code of Ordinances for the subdivisions cited above shall remain in full force and effect.

**SECTION 5:** That all ordinances and parts of ordinances in conflict herewith be and the same are hereby waived.